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Restructuring of U.S. intelligence put on back burner

By Bill Gertz
THE WASHINGTON TIMES

Legislation requiring a major reorganization of the U.S. intelligence community is not likely to pass the Senate Intelligence Committee this session of Congress because of more pressing matters, according to committee Chairman David Boren.

Mr. Boren, Oklahoma Democrat, said in an interview that three former U.S. intelligence officials testified before a closed session of the panel last week on a bill introduced by Sen. Arlen Specter, Pennsylvania

Republican.

Retired Adm. Bobby Ray Inman, former CIA deputy director, retired Lt. Gen. William Odom, former National Security Agency director, and Donald Latham, former Pentagon assistant secretary for command, control communications and intelligence, appeared before the panel, he said.

"What we're really looking at is do we have the right organizational structure in the intelligence community," Mr. Boren said.

The Specter bill is designed to separate the functions of intelli-

gence-gathering from covert action operations by setting up a director of national intelligence (DNI) who would be in charge of the U.S. intelligence community—the CIA, NSA, Defense Intelligence Agency and other U.S. intelligence services and agencies. The DNI would also be a member of the National Security Council.

The CIA director, who has the title of director of central intelligence (DCI) and currently is in charge of all U.S. intelligence agencies, would be limited to running the CIA and would have a fixed term of seven

years under the bill.

"It is unrealistic and probably unfair to expect our nation's senior intelligence officer, the DCI, to be the purveyor of objective unbiased information upon which the president and secretary of state may formulate a foreign policy, while at the same time charging him with influencing and implementing that policy in the form of covert action," Mr. Specter said in a statement.

Mr. Boren said the closed hearing was called to examine whether the reorganization should be a committee priority.

"At this point, I'd say we're not ready... to seriously consider a major reorganization of the intelligence community," Mr. Boren said.

"We've obviously got our hands full with covert actions to oversee, a budget to write, arms control verification proposals now tabled in Geneva, and a lot of other things on our plate."

Mr. Boren said the committee would pursue the reorganization scheme "to some degree," but it was not likely to happen this year.

"Over the next couple of years I think it's something we're going to

continue to come back to, as we're able to between crises," he said. "And we may ultimately want to do some legislating."

Congressional sources said Adm. Inman testified in favor of the proposed reorganization and is said by some officials to want the DNI post. Gen. Odom opposed the plan, the sources said.

Mr. Boren defended the decision to hold a closed hearing on the subject, even though the witnesses were not covert agents or current intelligence officials and despite the fact that only half the information discussed was secret.

Future hearings on the subject may be open to the public, he said.

101TH CONGRESS
1ST SESSION

S. 175

To improve the objectivity, reliability, coordination and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 3), 1989

Mr. SPECTER introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

A BILL

To improve the objectivity, reliability, coordination and timeliness of national foreign intelligence through a reorganization of positions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "National
5 Intelligence Reorganization Act".

6 SEC. 2. Section 101(a) of the National Security Act of
7 1947 is amended in the fourth undesignated paragraph—

8 (1) by striking out "and" at the end of clause (6);

9 (2) by striking out the period at the end of clause

10 (7) and inserting in lieu thereof "; and"; and

★(Star Print)

1 (3) by adding at the end thereof the following:

2 “(8) The Director of National Intelligence in his
3 role as primary adviser on intelligence.”.

4 SEC. 3. Title I of the National Security Act of 1947 is
5 amended by inserting new section 102.

6 “DIRECTOR OF NATIONAL INTELLIGENCE

7 “SEC. 102. (a)(1) There are hereby established the posi-
8 tions of Director of National Intelligence (hereafter in this
9 Act referred to as the “DNI”) and the Deputy Director of
10 National Intelligence who shall each be appointed by, serve
11 at the pleasure of, the President, by and with the advice and
12 consent of the Senate.

13 “(2) The principal role of foreign intelligence and of the
14 agencies which provide such intelligence is to ensure the pro-
15 vision of objective, reliable, coordinated, and timely informa-
16 tion upon which the President and other senior foreign policy
17 makers may base sound foreign policy decisions. To ensure
18 such provision, the DNI shall serve as the nation’s senior
19 intelligence officer and primary adviser to the President on
20 foreign intelligence matters. Accordingly, the DNI shall be
21 freed from any duties involving the formulation of foreign
22 policy and the implementation of special activities except as
23 may be specifically authorized by this Act. The Deputy Di-
24 rector of National Intelligence shall act for, and exercise the
25 powers of, the Director during his absence or disability.

1 “(3) The DNI shall be responsible directly to the Presi-
2 dent and the National Security Council.

3 “(4) Upon request, any department, agency, or other
4 component of the United States Government involved in in-
5 telligence or intelligence-related activities shall detail for the
6 use of the DNI such staff as may be necessary to carry out
7 the duties of the DNI under this section.

8 “(b) To carry out his responsibilities under this section,
9 the DNI shall—

10 “(1) ensure that such objective, reliable and co-
11 ordinated national foreign intelligence is provided to
12 the President and officials in the executive and legisla-
13 tive branches in a timely manner;

14 “(2) oversee and provide direction to the national
15 foreign intelligence activities of all agencies, depart-
16 ments, offices, and other entities of the intelligence
17 community.

18 “(3) develop such strategy, objectives and guid-
19 ance for the intelligence community as will enhance ca-
20 pabilities for responding to expected future needs for
21 national foreign intelligence;

22 “(4) provide guidance for national foreign intelli-
23 gence program and budget development to program
24 managers, heads of agencies, departments, offices, and
25 other entities of the intelligence program and budget;

1 “(5) review, evaluate, approve, and submit, to the
2 Congress through the President, a national foreign in-
3 telligence program and budget;

4 “(6) review and approve all requests for repro-
5 gramming national foreign intelligence funds;

6 “(7) develop collection strategies, objectives, and
7 targets in the intelligence community for national for-
8 eign intelligence requirements and priorities established
9 by the National Security Council;

10 “(8) direct, control, and manage the tasking of na-
11 tional foreign intelligence collection activities;

12 “(9) coordinate, produce, and disseminate all na-
13 tional foreign intelligence and, levy analytic tasks on
14 all intelligence community production organizations and
15 entities in consultation with those organizations and
16 entities. Intelligence of the departments and agencies
17 of the Government relating to the national security
18 shall be open to the audit of the DNI, and such intelli-
19 gence as relates to the national security and is pos-
20 sessed by such departments and other agencies of the
21 Government, shall be made available to the DNI for
22 correlation, evaluation, and dissemination;

23 “(10) ensure that appropriate mechanisms for
24 competitive analysis are developed so that diverse

1 views and judgments within the intelligence community
2 are brought to the attention of national policymakers;

3 “(11) conduct jointly with the Secretary of De-
4 fense and the Chairman of the Joint Chiefs of Staff,
5 military net assessments which allow for independent
6 judgments by the DNI on areas critical to United
7 States national security, strategy, tactics, or specific
8 weapon systems;

9 “(12) oversee special activities on a periodic basis
10 for compliance with established laws and regulations.

11 “(13) promote the development and maintenance
12 of services of common concern by designated intelli-
13 gence organizations on behalf of the intelligence com-
14 munity;

15 “(14) formulate policies concerning foreign intelli-
16 gence and counterintelligence arrangements with for-
17 eign governments, coordinate foreign intelligence and
18 counterintelligence relationships between agencies of
19 the intelligence community and the intelligence or in-
20 ternal security services of foreign governments, and es-
21 tablish procedures governing the conduct of liaison by
22 any agency, department, office or other entity of the
23 United States Government with such services;

1 “(15) establish security countermeasure standards
2 for the safeguard of foreign intelligence systems and
3 information;

4 “(16) protect intelligence sources and methods
5 from unauthorized disclosure;

6 “(17) establish appropriate staffs, committees, or
7 other advisory groups to assist in the execution of the
8 Director’s responsibilities; and

9 “(18) monitor national foreign intelligence pro-
10 gram implementation and conduct program and per-
11 formance audits and evaluations.”.

12 SEC. 4. (a) Title I of the National Security Act of 1947
13 is amended by changing old section 102 to be new section
14 102A with the following changes:

15 (1) by inserting the words “DIRECTOR OF THE”
16 before the caption “CENTRAL INTELLIGENCE
17 AGENCY”.

18 (b) Section 102A, subsection (a) of the National Security
19 Act of 1947 is amended—

20 (1) by inserting after the words” . . . National
21 Security Council”, the words “and Director of
22 National Intelligence”;

23 (2) by striking out “Director of Central Intelli-
24 gence” and inserting in lieu thereof “Director of the
25 Central Intelligence Agency”; and

1 (3) by striking out "Deputy Director of Central
2 Intelligence" and inserting in lieu thereof "Deputy
3 Director of the Central Intelligence Agency".

4 (c) Section 102A subsection (a) of such Act is further
5 amended—

6 (1) by inserting "(1)" immediately after "(a)";

7 (2) by striking out the proviso and the colon im-
8 mediately preceding such proviso at the end of the
9 second sentence and inserting in lieu thereof a comma
10 and the following:

11 "except that at no time shall the two positions of the Direc-
12 tor and Deputy Director be occupied simultaneously by—

13 "(a) commissioned officers of the armed services,
14 whether in an active or retired status; or

15 "(b) individuals not having previously served in
16 career positions in the Intelligence Community;

17 "(c) the term of service of the Director shall be
18 seven years. The Director may not be reappointed and
19 may be removed by the President only for cause; and

20 "(d) the provisions of 102A subsections (a)(1) shall
21 apply to the service of the first Director and the first
22 Deputy Director of the Central Intelligence Agency
23 appointed after the date of enactment."

24 (d) Section 102A, subsections (b) and (c). References in
25 these sections to the Director or Deputy Director of Central

1 Intelligence shall be deemed to be references to the Director
2 or Deputy Director of the Central Intelligence Agency.

3 (e) Section 102A subsection (d) of such Act is amended
4 to read as follows:

5 “(d) For the purpose of carrying out of the Agency’s
6 intelligence activities in the interests of national security, it
7 shall be the duty and responsibility of the Agency, under the
8 management direction of the Director of the Central Intelli-
9 gence Agency:

10 “(1) to collect, produce, and disseminate foreign
11 intelligence and counterintelligence, including informa-
12 tion not otherwise obtainable, and to coordinate the
13 collection of foreign intelligence or counterintelligence
14 within the United States with the Federal Bureau of
15 Investigation as authorized by law or procedures estab-
16 lished by the Attorney General: *Provided*, That the
17 Central Intelligence Agency shall have no police, sub-
18 poena, law enforcement powers, or internal security
19 functions;

20 “(2) to conduct counterintelligence activities out-
21 side the United States and, without assuming or per-
22 forming any internal security functions, conduct coun-
23 terintelligence activities within the United States in co-
24 ordination with the Federal Bureau of Investigation, as

1 authorized by law and procedures established by the
2 Attorney General;

3 “(3) to coordinate counterintelligence activities
4 and the collection of information not otherwise obtain-
5 able when conducted outside the United States by
6 other departments and agencies;

7 “(4) to conduct special activities approved by the
8 President;

9 “(5) to conduct services of common concern for
10 the Intelligence Community as directed by the Nation-
11 al Security Council and the DNI;

12 “(6) to carry out or contract for research, devel-
13 opment, and procurement of technical systems and de-
14 vices relating to authorized functions;

15 “(7) to protect the security of its installations, ac-
16 tivities, information, property, and employees by appro-
17 priate means, including such investigations of appli-
18 cants, employees, contractors, and other persons with
19 similar associations with the Central Intelligence
20 Agency as are necessary; and

21 “(8) to conduct such administrative and technical
22 support activities within and outside the United States
23 as are necessary to perform the functions described in
24 paragraphs (1) through (7), including procurement and
25 essential cover and proprietary arrangements.”.

1 SEC. 5. (a) Section 5313 of title 5, United States Code,
2 is amended by—

3 (1) changing Director of Central Intelligence to
4 read Director of National Intelligence;

5 (2) adding at the end thereof the following:

6 “Director of the Central Intelligence Agency.”.

7 (b) Section 5314 of title 5, United States Code, is
8 amended by adding at the end thereof the following:

9 “Deputy Director of the Central Intelligence
10 Agency.”.

11 SEC. 6. The provision of section 102a of the Act relat-
12 ing to the Director of the Intelligence Community staff is
13 repealed.

14 SEC. 7. The Central Intelligence Act of 1949 is amend-
15 ed by changing references to the Director or Deputy Director
16 of Central Intelligence to mean the Director or Deputy
17 Director of the Central Intelligence Agency.

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